

Exhibit G

In The Matter Of:

***MERCK & CO., INC., SECURITIES, DERIVATIVE & "ERISA"
LITIGATION***

DAVID I. TABAK - Vol. 1
July 12, 2012

MERRILL CORPORATION

LegalLink, Inc.

225 Varick Street
10th Floor
New York, NY 10014
Phone: 212.557.7400
Fax: 212.692.9171

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<p>UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY -----X IN RE MERCK & CO., INC., SECURITIES, DERIVATIVE & "ERISA" LITIGATION</p> <p>MDL No. 1658 (SRC)</p> <p>-----X</p> <p>THIS DOCUMENT RELATES TO: THE CONSOLIDATED SECURITIES ACTION Case No. 3:05-CV-01151-SRC-MF Case No. 3:05-CV-02367-SRC-MF</p> <p>-----X</p> <p>July 12, 2012 9:36 a.m.</p> <p>Videotaped deposition of DAVID I. TABAK, pursuant to notice, at the offices of Cravath, Swaine & Moore LLP, Worldwide Plaza, 825 Eighth Avenue, New York, New York, before Eric J. Finz, a Shorthand Reporter and Notary Public within and for the State of New York.</p>	<p>1 2 A P P E A R A N C E S: (Continued) 3 CRAVATH, SWAINE & MOORE LLP Attorneys for all Defendants excluding Dr. 4 Edward Scolnick Worldwide Plaza 5 825 Eighth Avenue New York, NY</p> <p>6 7 BY: CHRISTOPHER BELELIEU, ESQ. (cbelelieu@cravath.com) KARIN A. DeMASI, ESQ. 8 (kdemasi@cravath.com) -and- 9 MATTHEW BOGGESE, ESQ. (mboggesse@cravath.com)</p> <p>10 11 12 SCHULTE ROTH & ZABEL LLP Attorneys for Defendant Dr. Edward Scolnick 919 Third Avenue 13 New York, NY 10022 14 BY: WILLIAM H. GUSSMAN, JR., ESQ. (bill.gussman@srz.com)</p> <p>15 16 17 ALSO PRESENT: 18 IRIS JIANG, Cornerstone Research 19 20 MICHAEL MARCO, Summer Associate 21 22 WILLIAM PACE, Videographer 23 Merrill Legal Solutions 24 25</p>
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<p>1 2 A P P E A R A N C E S: 3 BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP Co-Lead Counsel for Plaintiffs 4 1285 Avenue of the Americas New York, NY 10019</p> <p>5 6 BY: SALVATORE J. GRAZIANO, ESQ. (sgraziano@blbglaw.com) WILLIAM C. FREDERICKS, ESQ. 7 (wfredericks@blbglaw.com) -and- 8 ADAM H. WIERZBOWSKI, ESQ. (awierzowski@blbglaw.com)</p> <p>9 10 11 STULL, STULL & BRODY Co-Lead Counsel for Plaintiffs 6 East 45th Street, 5th Floor 12 New York, NY 10017 13 BY: PATRICK K. SLYNE, ESQ. (pkslyne@ssbny.com) 14 -and- MARK LEVINE, ESQ. (p.m. only)</p> <p>15 16 17 BROWER PIVEN Co-Lead Counsel for Plaintiffs 488 Madison Avenue, 8th Floor 18 New York, NY 10022 19 BY: BRIAN C. KERR, ESQ. (kerr@brownpiven.com)</p> <p>20 21 22 23 24 25</p>	<p>1 DAVID I. TABAK 2 THE VIDEOGRAPHER: This is the 3 video operator speaking, William 4 Pace for Merrill Legal Solutions, 5 225 Varick Street, New York, New 6 York. Today is July 12, 2012, and 7 the time is 9:36 a.m. 8 We are at the offices of 9 Cravath Swaine & Moore LLP, 825 10 Eighth Avenue, New York, New York, 11 to take the videotaped deposition 12 of David Tabak, in the matter of in 13 re Merck & Company, Incorporated 14 Securities, Derivative and ERISA 15 litigation, in the United States 16 District Court, District of New 17 Jersey, MDL No. 1658. 18 Counsel please introduce 19 yourselves and state whom you 20 represent. 21 MR. BELELIEU: Christopher 22 Belelieu, Cravath Swaine & Moore, 23 for Merck and several individual 24 defendants. 25 MR. BOGGESE: Matt Boggesse,</p>

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10:57:03	1 DAVID I. TABAK	10:59:22	1 DAVID I. TABAK
10:57:06	2 and the work that my staff performs.	10:59:23	2 pulling certain data.
10:57:11	3 Q. What is your hourly rate of	10:59:27	3 Q. Do all of the people you've
10:57:14	4 compensation related to this matter?	10:59:28	4 just mentioned work at NERA?
10:57:17	5 A. It's \$690.	10:59:32	5 A. They either do or did work at
10:57:19	6 Q. Is that standard for you in	10:59:35	6 NERA.
10:57:21	7 litigation support services?	10:59:37	7 Q. And can you tell me what the
10:57:23	8 A. In 2012, yes.	10:59:39	8 positions are of the people you
10:57:30	9 Q. So your hourly rate changes on	10:59:40	9 mentioned?
10:57:31	10 an annual basis; is that correct?	10:59:44	10 A. Sure. Ronald Miller is a vice
10:57:35	11 A. It can. I think it actually	10:59:47	11 president. Stefan Boettrich is a
10:57:37	12 has changed every year. But we review	10:59:50	12 consultant. And all of the others are or
10:57:38	13 the rates annually.	10:59:54	13 were members of our research staff.
10:57:40	14 Q. And is that the same hourly	10:59:56	14 Q. And what does a consultant do
10:57:42	15 rate that you're paid for nonlitigation	10:59:57	15 in NERA?
10:57:43	16 consulting services?	11:00:00	16 MR. GRAZIANO: Objection.
10:57:45	17 A. It's the same rate that NERA	11:00:00	17 THE WITNESS: Asked and
10:57:47	18 is paid for my work on nonlitigation	11:00:01	18 answered?
10:57:51	19 consulting services. The exception of a	11:00:01	19 MR. GRAZIANO: Yeah.
10:57:54	20 fixed fee project where we don't bill by	11:00:03	20 A. As I said, they tend to work
10:57:55	21 the hour.	11:00:05	21 on a project under the direction of more
10:57:56	22 Q. Have plaintiffs' counsel paid	11:00:11	22 senior people.
10:57:57	23 you anything to date?	11:00:15	23 Q. So are any of these people in
10:58:00	24 A. I believe they paid NERA to	11:00:17	24 charge of the day-to-day assignments
	25 date.		25 related to this case?
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10:58:01	1 DAVID I. TABAK	11:00:21	1 DAVID I. TABAK
10:58:02	2 Q. And do you know how much	11:00:25	2 A. Ronald Miller and I may have
10:58:05	3 they've paid NERA to date related to this	11:00:27	3 split various of the day-to-day
10:58:05	4 case?	11:00:31	4 supervision. I gave broad direction, and
10:58:07	5 A. I don't recall.	11:00:33	5 then the research staff sometimes
10:58:10	6 Q. Do you have people assisting	11:00:35	6 reported directly to me, sometimes would
10:58:13	7 you in this case?	11:00:37	7 check in with him or he would keep track
10:58:14	8 A. I do.	11:00:39	8 or monitor their day-to-day work.
10:58:16	9 Q. And how many people are	11:00:40	9 Q. Do you know how many hours
10:58:17	10 assisting you?	11:00:42	10 you've worked on this case to date?
10:58:24	11 A. There probably would have been	11:00:43	11 A. I do not.
10:58:27	12 maybe half a dozen at various points in	11:00:45	12 Q. Can you give an estimate?
10:58:27	13 time.	11:00:50	13 A. I really don't have a good
10:58:28	14 Q. Can you tell me who those	11:00:51	14 feel for it.
10:58:29	15 people are?	11:00:53	15 Q. I mean, have you worked five
10:58:35	16 A. Sure. Shirim Hashim,	11:00:55	16 hours, have you worked a hundred hours?
10:58:38	17 S-h-i-r-i-m, last name H-a-s-h-i-m.	11:00:57	17 A. Definitely more than five.
10:58:44	18 Margarita Capi, last name C-a-p-i. Eric	11:01:00	18 Almost certainly more than a hundred.
10:58:54	19 Lin. Stefan Boettrich,	11:01:02	19 Q. Do you keep track of the hours
10:59:03	20 B-o-e-t-t-r-i-c-h. Ronald Miller. Rex	11:01:04	20 that you've worked?
10:59:09	21 Lam, L-a-m. Shadman Torofder,	11:01:05	21 A. We have a time system that
10:59:15	22 S-h-a-d-m-a-n, T-o-r-o-f-d-e-r.	11:01:07	22 does.
10:59:17	23 I believe that's it, putting	11:01:10	23 Q. So somewhere in NERA that
10:59:20	24 aside for example library staff or others	11:01:11	24 information, you keep that information as
	25 who may have just been involved in		25 to how many hours you've worked on this

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11:01:14	1 DAVID I. TABAK	11:26:11	1 material that's quoted.
11:01:14	2 case?	11:26:12	2 Q. So the support staff you
11:01:14	3 A. Yes.	11:26:14	3 mentioned earlier that's working on this
11:01:20	4 Q. Have you been retained by	11:26:15	4 case with you from NERA, they didn't
11:01:24	5 counsel, by plaintiffs' counsel for	11:26:17	5 draft any of this report; is that
11:01:26	6 anything other than your declaration	11:26:19	6 correct?
11:01:26	7 related to their motion for class	11:26:19	7 A. They worked on the exhibits
11:01:28	8 certification?	11:26:21	8 and they, you know, created initial
11:01:28	9 MR. GRAZIANO: I'm just going	11:26:24	9 exhibits, I may have edited for style.
11:01:29	10 to object as beyond the scope of	11:26:27	10 But I think they basically did the drafts
11:01:31	11 the deposition. Also, if you could	11:26:29	11 on that. Otherwise they reviewed my
11:01:34	12 let me know when it's a good time	11:26:31	12 work, they checked the numbers on there,
11:01:36	13 to take a break.	11:26:33	13 and they may have suggested some spelling
11:01:37	14 MR. BELELIEU: We'll just	11:26:36	14 or grammatical issues or maybe clarity
11:01:38	15 finish this line of questioning.	11:26:39	15 issues. But it's basically mine.
11:01:39	16 MR. GRAZIANO: You can say yes	11:26:41	16 Q. Were there any drafts of this
11:01:40	17 or no.	11:26:42	17 report?
11:01:40	18 MR. BELELIEU: It's a yes or	11:26:43	18 A. Yes.
11:01:41	19 no answer.	11:26:43	19 Q. And did you write all of those
11:01:42	20 A. Yes. Although it's just one	11:26:44	20 drafts?
11:01:44	21 retention.	11:26:45	21 A. I did.
11:01:47	22 Q. And is your compensation	11:26:45	22 Q. How many drafts of this report
11:01:48	23 contingent upon a ruling in favor of	11:26:47	23 did you go through?
11:01:51	24 plaintiffs on their motion for class	11:26:48	24 A. Well, electronically it's hard
11:01:52	25 certification?		
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11:01:53	1 DAVID I. TABAK	11:26:51	1 to say what's a draft. I open it up,
11:01:56	2 A. Neither mine nor NERA's	11:26:54	2 change a word, is it another draft? I
11:01:59	3 compensation is contingent on that.	11:26:56	3 don't know how to answer that really.
11:02:02	4 Q. Well, is NERA being paid for	11:26:57	4 Q. Okay. We can be literal about
11:02:02	5 your testimony today?	11:27:01	5 it. How many times did you make changes
11:02:04	6 A. NERA is being paid for my time	11:27:02	6 to a draft of this report?
11:02:04	7 here today. Or I assume will be. We	11:27:06	7 A. Many. Often I'd open it up
11:02:10	8 haven't been paid for that yet.	11:27:09	8 and change a word or two when I read a
11:02:11	9 MR. BELELIEU: Let's take a	11:27:11	9 sentence and it wasn't clear.
11:02:12	10 break.	11:27:13	10 Q. So can you give me an estimate
11:02:12	11 THE VIDEOGRAPHER: Going off	11:27:15	11 of how many times you did that?
11:02:13	12 the record at 11:02 a.m.	11:27:16	12 A. Dozens. And also writing the
11:02:16	13 (A recess was taken.)	11:27:19	13 first draft, it wasn't in one sitting.
11:25:44	14 THE VIDEOGRAPHER: Returning	11:27:22	14 Q. Well, when did you start
11:25:50	15 to the record at 11:25, and this	11:27:23	15 drafting this report?
11:25:53	16 will mark the beginning of tape	11:27:24	16 A. Probably in January '12 I put
11:25:54	17 No. 2.	11:27:31	17 together an outline of the report. So I
11:25:56	18 BY MR. BELELIEU:	11:27:34	18 would have put in things like the scope
11:25:57	19 Q. You understand you're still	11:27:35	19 of the analysis and summary of findings,
11:25:58	20 under oath; correct?	11:27:39	20 without the actual findings, obviously,
11:25:59	21 A. I do.	11:27:41	21 but just a place, for example, I'd say my
11:26:00	22 Q. I want to turn back to your	11:27:44	22 findings are as follows, and leave a
11:26:03	23 declaration now. Who wrote your	11:27:47	23 blank. Qualifications and remuneration
11:26:09	24 declaration?	11:27:49	24 would have been there. Theory of market
11:26:09	25 A. I wrote all of it other than		

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11:27:51	1 DAVID I. TABAK	11:29:53	1
11:27:55	2 efficiency, I think I actually wrote that	11:29:55	2 would be before my staff and I analyzed
11:27:58	3 after the first draft.	11:29:55	3 the data.
11:27:59	4 But then like section 5, test	11:29:56	4 Q. Right. But I believe you told
11:28:02	5 for market efficiency, I wrote the	11:29:58	5 me that your staff conducted the
11:28:04	6 general outline. In fact I think I wrote	11:30:00	6 underlying analyses. I'm asking you did
11:28:06	7 a lot of this report just leaving blanks	11:30:02	7 you conduct any of your own underlying
11:28:08	8 for what the actual outcome of analysis	11:30:05	8 analyses related to this report?
11:28:10	9 was and the interpretation. But in terms	11:30:08	9 A. Oh, well, I often reviewed
11:28:14	10 of writing, what I would do, I'd often	11:30:10	10 what my staff did and sometimes would
11:28:15	11 fill that in at the same time as my	11:30:12	11 replicate it myself. I took a look at
11:28:18	12 people were starting to do the work.	11:30:15	12 the data. I did some research in the
11:28:22	13 Q. So you assigned certain	11:30:19	13 academic literature myself to see if I
11:28:27	14 sections or portions of the work for this	11:30:23	14 could find academic sources that either
11:28:28	15 report to your staff; is that correct?	11:30:25	15 supported or contradicted what I wanted
11:28:29	16 A. When you say of the report,	11:30:25	16 to say.
11:28:31	17 not the text of the report, but doing the	11:30:27	17 Q. Do you recall what academic
11:28:32	18 underlying analyses.	11:30:28	18 sources you reviewed?
11:28:42	19 Q. Okay. And did you provide any	11:30:30	19 A. Those cited over here, for
11:28:44	20 drafts of your report as you were going	11:30:34	20 example. There is one on the use of
11:28:46	21 through it to plaintiffs' counsel?	11:30:38	21 All-Star analysts that I actually cite
11:28:47	22 MR. GRAZIANO: Just object.	11:30:39	22 again, I believe, for the proposition
11:28:48	23 It's a yes or no question.	11:30:42	23 that traders in the option markets tend
11:28:49	24 A. Yes.	11:30:44	24 to be more sophisticated than traders in
	25 Q. And again, how many drafts		25 the stock market.
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11:28:53	1 DAVID I. TABAK	11:30:46	1
11:28:55	2 would you have provided to plaintiffs'	11:30:48	2 Q. And of the underlying analyses
11:28:57	3 counsel?	11:30:50	3 that your staff did, which underlying
11:29:01	4 A. Maybe three.	11:30:53	4 analyses did you actually review?
11:29:02	5 Q. I believe you testified	11:30:55	5 A. It depends what you mean by
11:29:07	6 earlier that you said you spent, tell me	11:30:57	6 review. I looked obviously at the output
11:29:09	7 if I'm wrong, over a hundred hours on	11:31:00	7 for all of them. I also tended to go
11:29:12	8 this report. Is that correct?	11:31:02	8 through the files. If you want I can go
11:29:14	9 A. I believe that figure is	11:31:03	9 through the exhibits and tell you what I
11:29:15	10 correct.	11:31:04	10 looked at.
11:29:17	11 Q. So out of those hundred hours	11:31:08	11 Q. Sure.
11:29:19	12 or hundred plus hours, how much time did	11:31:12	12 A. Okay. So Exhibit 3 is an
11:29:23	13 you spend actually drafting the report?	11:31:16	13 analysis of the average weekly trading
11:29:28	14 A. I don't know. I don't think	11:31:19	14 volume. And I definitely looked at that
11:29:32	15 it necessarily would have been that much.	11:31:24	15 file and actually checked the results.
11:29:34	16 I write reasonably quickly.	11:31:25	16 Straightforward enough.
11:29:36	17 Q. So again, can you give me an	11:31:29	17 Exhibit 4-A, discusses the
11:29:36	18 estimate?	11:31:32	18 analysts contributing to I/B/E/S, all
11:29:38	19 A. I really can't. I just don't	11:31:39	19 caps I/-B/-E/-S, to the I/B/E/S
11:29:39	20 know.	11:31:40	20 consensus earnings estimates. And I
11:29:41	21 Q. Well, did you conduct any	11:31:43	21 looked at I believe the raw file from
11:29:43	22 research related to this report?	11:31:47	22 I/B/E/S. And certainly I looked a lot at
11:29:48	23 A. When you say research, all of	11:31:49	23 column 3 to see how to properly describe
11:29:51	24 the analyses there are based on data.		24 the results.
	25 It's not as if I knew what the answers	11:31:51	25 Exhibit 4-B talks about the

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